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GENERAL COUNSEL

Before the State of South Carolina
Department of Insurance

22 MAR 8 2002

STATE OF SOUTH CAROLINA
DEPARTMENT OF INSURANCE

In the matter of:)
)
Mildred B. Gant)
)
1354 Popular Hill Drive)
Ridgeville, South Carolina 29472)
_____)

SCDI File Number 2002-110516

Consent Order
Imposing Administrative Penalty

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Mildred B. Gant, a licensed South Carolina resident insurance agent.

Upon review of this matter, I hereby find as fact that on or about September 25, 2001, while at the home of Coretha Ellison, and in the presence of Coretha Ellison, Edgar Wright, and Susan McCall, Gant made derogatory and/or untrue statements about Liberty Life Insurance Company, to wit: "Liberty Life is going out of business, that they are being sued, and that they are in the process of issuing refunds to policyholders," or words to that effect. Gant contends that it was not her intent to circumvent the insurance laws of this state. Nevertheless, Gant's actions can ultimately lead to the revocation of her license to transact the business of insurance as an agent in South Carolina following a public hearing at the Administrative Law Judge Division pursuant to S.C. Code Ann. § 38-43-130 (Supp.2001).

Prior to the initiation of any administrative proceedings against her, Gant and the Department agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision, rather than to proceed toward a formal public hearing. The consensual recommendation was that, in lieu of the Department seeking to revoke Gant's resident insurance agent license, she would waive her right to a public hearing and immediately pay an administrative fine in the total amount of \$200.00.

Section § 38-43-130 states, in pertinent part, that the Director of Insurance may revoke an agent's license "when it appears that an agent...has violated this title or any regulation promulgated by the Department, or has willfully deceived or dealt unjustly with the citizens of this State." ☐

After a thorough review of the record, and pursuant to my findings of fact, I hereby conclude as a matter of law that Gant has violated the law governing licensed agents. As a result, I can now take administrative disciplinary action against her resident insurance agent license. However, under the discretionary authority provided to me within S.C. Code Ann. § 38-43-130 (Supp. 2001), and after carefully considering the recommendations of the parties, I hereby impose against Gant an administrative fine in the total amount of \$200.00. Gant must pay that fine within ten days of her receipt of this consent order. If she does not timely pay that total fine amount her resident insurance

MBC Mildred B. Gant

agent license will be immediately revoked without any further disciplinary proceedings.

The parties have reached this agreement in consideration of the Department having never taken any administrative disciplinary action against Gant on this issue before and of her assurance that in the future she will comply with the state's insurance laws. The parties expressly agree and understand Gant's payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter.

By her signature upon this consent order, Gant acknowledges that she understands that this administrative order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2001). Nothing contained within this administrative order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained within this administrative order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110 (Supp. 2000).

It is, therefore, ordered that Mildred B. Gant shall, within ten days of her receipt of this consent order, pay through the Department an administrative fine in the total amount of \$200.00.

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states and a copy be placed in Gant's licensing file.

This consent order becomes effective as of the date of my signature below.



Ernst N. Csiszar
Director

March 12, 2002, at
Columbia, South Carolina

MBG Mildred B. Gant

I CONSENT:

Mildred B. Gant

Mildred B. Gant
1354 Popular Hill Drive
Ridgeville, South Carolina 29472

Dated this 5 day of March, 2002